

Response and Amendment to Office Action
US Patent Application No. 09/884,706

REMARKS

Claims 1-29 remain pending in this application. In the Final Office Action of January 14, 2005, all claims were rejected. Applicants hereby amend claim 23, and respond and traverse the rejections as follows.

Applicant thanks the Examiner for the identification of claims 2, 3, 12, 26 and 29 as allowable if they are rewritten in dependent form including all of the limitations of the base claim and any intervening claims. In addition, Applicant thanks the Examiner for identifying claims 4, 6-11, 13, 14, 17, 20-22, 27 and 28 as being allowable as they depend on claims 2, 3, 12, 26 and 29, respectively. Applicant has deferred making these amendments until a later time as Applicant believes that the claims as presented are allowable for the reasons cited below.

Claim Objections

The Examiner has objected to claim 23 because of an informality. Specifically, the Examiner suggests that the phrase “shaft assembly” in line 8 of the claim should be replaced with the phrase –first object–. Applicant has amended claim 23 to make the Examiner’s suggested change without prejudice to Applicant’s position that claim 23 is patentable as written. Applicant notes that this amendment is not a narrowing amendment and is not made for a reason of patentability.

Response to Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 5, 6, 18, and 23-25 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,003,614, issued to Geer et al. (hereafter “Geer”). Applicants respectfully request reconsideration and withdrawal of this rejection.

In maintaining the rejection of these claims in the Office Action, the Examiner argues that the link members (21) disclosed in Geer (col. 4, lines 17) are shown in FIG. 4 as a fork member. The Examiner apparently concludes that Geer therefore discloses a “rotator clevis” as recited in the rejected claims. For ease of reference, FIGs. 2 and 4 of Geer are shown below.

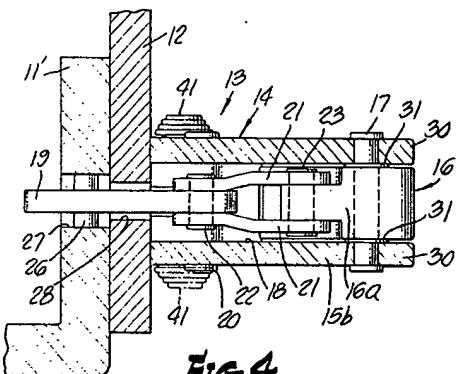


FIG. 4.

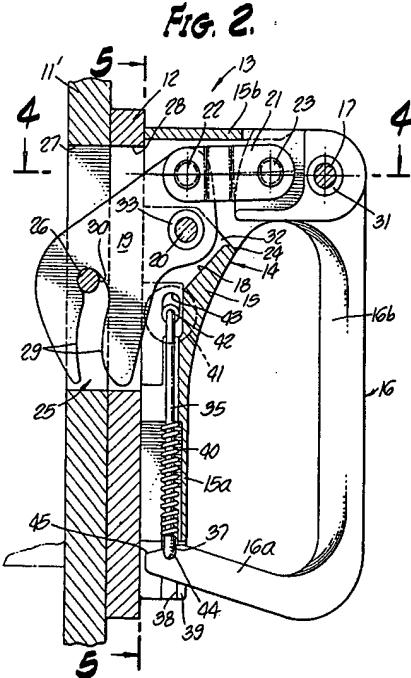


FIG. 2.

Applicant respectfully submits that even if the link members (21) of Geer are viewed as a "rotator clevis," Geer still does not disclose all of the features of claims 1, 5, 6 and 18.

Claim 1 is directed to a latching system including a base, a closable member, an elongated member and a latch plate assembly. The elongated member is rotatably secured to the closable member. A first connector and a rotator clevis are secured to the elongated member. The latch plate assembly is hingedly secured to the closable member. The latch plate assembly includes a handle and a latch lever extending from the handle. The latch lever is in mechanical communication with the rotator clevis. In this configuration, hinging the handle causes the elongated member to rotate.

At the very least, Geer does not disclose “an elongated member rotatably secured to said closable member, said elongated member including a first connector, and a rotator clevis secured to the elongated member” (emphasis added), as recited in claim 1. Referring to FIG. 4 of Geer, the Examiner asserts that Geer discloses a “closable member” (12, 13 and 14) and an “elongated member” (20) rotatably secured to the closable member. Closer examination of Geer, however, does not teach that the “elongated member” (20) is rotatably secured to the “closable member” (12, 13 and 14) but is instead fixed to element 14 of the “closable member.” Specifically, as

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described in Geer, the elongated member 20 is a pivot pin (col. 4, line 13) about which hook (19) appears to rotate (col. 5, lines 38-39) (describing the hook as having a “rotative movement on the pin”). Geer suggests, therefore, that the pivot pin is fixed to the “closable member,” rather than being “rotatably secured to the closable member.” Applicants respectfully submit, therefore, that Geer does not anticipate claim 1.

Claims 5, 6 and 18 depend from and include all of the features of claim 1. For at least the reasons set forth above with respect to claim 1, therefore, Applicants respectfully submit that Geer also does not anticipate claims 5, 6 and 18.

Applicant also respectfully submits that even if the link members (21) of Geer are viewed as a “rotator clevis,” Geer still does not disclose all of the features of claims 23-25.

Amended claim 23 is directed to a latching system for securing a first object to a second object. The latching system includes a shaft assembly secured to the first object, a hinged plate assembly secured to the first object and at least one keeper secured to the second object. The shaft assembly includes an elongated member having at least one connector and a rotator clevis secured thereto. The hinged latch plate assembly includes a handle and a latch lever in mechanical communication with the rotator clevis. In this configuration, hinged movement of the handle causes rotational movement of the elongated member and cooperation between the at least one connector and the at least one keeper.

At the very least, Geer does not disclose that “the shaft assembly includes an elongated member having at least one connector and a rotator clevis secured thereto” (emphasis added), as recited in claim 23. As discussed above, the Examiner asserts that the “elongated member” corresponds to the pivot pin (20) of Geer. The Examiner further asserts in the Office Action that the “connector” corresponds to the hook (19) of Geer. As discussed above, however, the hook of Geer rotates about the pivot pin (col. 5, lines 38-39) (describing the hook as having a “rotative movement on the pin”). Geer does not appear to disclose, therefore, that the “connector” (i.e., the hook) is secured to the “elongated member” (i.e., pivot pin 20), as recited in claim 23. Likewise, as shown in FIG. 5, Geer does not appear to disclose that the “rotator clevis” (i.e., link members 21) is secured to the “elongated member” (i.e., pivot pin 20), as recited in claim 21. Applicants respectfully submit, therefore, that Geer does not anticipate claim 23.

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Claims 24 and 25 depend from and include all of the features of claim 23. For at least the reasons set forth above with respect to claim 23, therefore, Applicants respectfully submit that Geer also does not anticipate claims 24 and 25.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Geer. Applicants respectfully request reconsideration and withdrawal of this rejection.

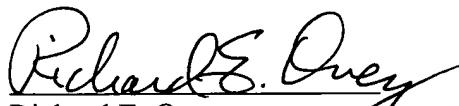
A finding of obviousness requires that all claim limitations of the Applicant's invention must be taught or suggested by the prior art. MPEP § 2143.03. Applicant respectfully submits that Geer does not teach or suggest all of the elements of Applicant's claims 15 and 16. Each of claims 15 and 16 depends from and includes all of the features of claim 1. For at least the reasons discussed above with respect to the Examiner's rejection of claim 1 under 35 U.S.C. § 102(b), therefore, claims 15 and 16 are not rendered obvious by Geer.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: July 13, 2005

Respectfully submitted,



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Ryan C. Oney
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7/13/05

Date of Signature